





# BROADMOOR POLICE DEPARTMENT

388 Eighty Eighth Street  
Broadmoor, CA 94015-1717  
(650) 755-3838 • Fax (650) 755-9732



**Mark D. Melville**  
Chief of Police

Board of Police Commissioners  
**Hon. James Kucharszky**  
**Hon. Ralph Hutchens**  
**Hon. Marie Brizuela**

## **Resolution No. 2022-05**

**July 12, 2022**

### **MILITARY EQUIPMENT USE POLICY**

RESOLUTION OF THE BROADMOOR POLICE PROTECTION DISTRICT REGARDING THE USE  
MILITARY EQUIPMENT.

Be it hereby resolved that the Board of Police Commissioners of the Broadmoor Police Protection District, County of San Mateo instill the following resolution as prescribed by the appropriate code section for the use of authorized military equipment within the jurisdiction of the Broadmoor Protection District.

**WHEREAS**, the Broadmoor Police Protection District has the purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

**WHEREAS**, pursuant to resolution 2022-02 the Broadmoor Police Protection District adopts the numerated equipment listed in Policy 706 of the Broadmoor Police Department for use in the protection of the citizens of the Broadmoor Police Protection District.

**Equipment List.pdf**

<b>Equipment Type:</b> Semiautomatic Rifles and Ammunition - CA Gov't Code §7070(c)(10)	
<b>Quantity Owned/Sought:</b> 5 owned	<b>Lifespan:</b> Approximately 15 years depending on rifles are maintained
<b>Equipment Capabilities:</b> semiautomatic rifle is capable of firing 5.56mm projectile bullet.	
<b>Manufacturer Product Description:</b> Colt M-4 Carbine, semi-automatic rifle.	
<p><b>Purpose/Authorized Uses:</b> Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:</p> <ol style="list-style-type: none"> <li>1. Situations where the officer reasonably anticipates an armed encounter.</li> <li>2. When an officer is faced with a situation that may require accurate and effective fire at long range.</li> <li>3. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.</li> <li>4. When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.</li> <li>5. When an officer reasonably believes that a suspect may be wearing body armor.</li> <li>6. When authorized or requested by a supervisor.</li> </ol>	
<b>Fiscal Impacts:</b> The ongoing costs for ammunition will vary and maintenance is conducted by departmental staff.	
<b>Legal/Procedural Rules Governing Use:</b> All applicable State, Federal and Local laws governing police use of force. Various Broadmoor Police Department Policies on Use of Force and Firearms.	
<b>Training Required:</b> Officers must successfully complete a CA POST certified 24-hour patrol rifle course as well as regular department firearms training and qualifications as required by law and policy.	
<b>Other Notes:</b> These rifles are standard issue service weapons for our officers and therefore exempted from this Military Equipment Use Policy per CA Gov't Code §7070 (c)(10). They have been included in this document in an abundance of caution and in the interest of transparency.	

**Section One: Qualifying Equipment Owned/Utilized by the Broadmoor Police Department**

<b>Equipment Type: Colt M-16A1 Rifles Select fire (Semi-Automatic/Full Automatic)</b>	
<b>Quantity Owned/Sought:</b>	<b>Lifespan:</b> Depending on care and maintenance 30 years or more
<b>Equipment Capabilities: Shoots a 223. Cartridge to an effective range of 500 meters</b>	
<b>Manufacturer Product Description:</b> Colt Rifle, shoots a 223. Cartridge in semi-automatic or fully automatic mode	
<b>Purpose/Authorized Uses:</b> In extreme circumstances, this rifle provides effective firepower against threats posed against the public or law enforcement personnel by armed individuals or groups that have demonstrated or pose, intent and ability to cause great bodily injury or death.	
<b>Fiscal Impacts: None these rifles were provided by the military DRMO at no cost to the department</b>	
<b>Legal/Procedural Rules Governing Use:</b> Use of force policy as stated in Sec 300 of the Policy Manual	
<b>Training Required:</b> Officers trained by certified Rifle instructors in the use of fully automatic weapons.	
<b>Other Notes:</b> None.	

<b>Equipment Type: Semiautomatic Rifles and Ammunition - CA Gov't Code §7070(c)(10)</b>	
<b>Quantity Owned/Sought:</b>	<b>Lifespan:</b> Approximately 30 years depending on care and maintenance
<b>Equipment Capabilities: Semiautomatic rifle is capable of firing 5.56mm projectile bullet.</b>	
<b>Manufacturer Product Description:</b>	
<p><b>Purpose/Authorized Uses:</b> This rifle would be used in circumstances where an armed encounter or anticipated armed encounter with an individual or group possess superior firepower and public safety would demand an appropriate armed response in using such automatic weapons for the safety of the officers and the public.</p> <p>As an example of such an encounter was in Los Angeles, CA in the North Hollywood Bank Robbery encounter, on Feb 28, 1997. LAPD encountered suspects armed with fully automatic weapons and used such weapons against the public and the responding officers.</p> <p>This weapon would be used in the circumstances as outlined below, (although not limited to the specific circumstances as listed), the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:</p> <ol style="list-style-type: none"> <li>1. Situations where the officer reasonably anticipates an armed encounter.</li> <li>2. When the officer is faced with a situation that may require accurate and effective fire at long range.</li> <li>3. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.</li> <li>4. When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.</li> <li>5. When an officer reasonably believes that a suspect may be wearing body armor.</li> <li>6. When authorized or requested by a supervisor.</li> </ol>	

<b>Fiscal Impacts:</b> The ongoing costs for ammunition will vary and maintenance is conducted by departmental staff.
<b>Legal/Procedural Rules Governing Use:</b> All applicable State, Federal and Local laws governing police use of force. Various Broadmoor Police Department Policies on Use of Force and Firearms.
<b>Training Required:</b> Officers must successfully complete a CA POST certified 24-hour patrol rifle course as well as regular department firearms training and qualifications as required by law and policy.
<b>Other Notes:</b> These rifles are NOT IN USE BY THE DEPARTMENT AT THIS TIME. standard issue service weapons for our officers and therefor exempted from this Military Equipment Use Policy per CA Gov't Code §7070 (c)(10). They have been included in this document in an abundance of caution and in the interest of transparency.

<b>Equipment Type: Long range rifle</b>	
<b>Quantity Owned/Sought: 0</b>	<b>Lifespan: N/A</b>
<b>Equipment Capabilities: N/A</b>	
<b>Manufacturer Product Description: N/A</b>	
<p><b>Purpose/Authorized Uses:</b> This rifle is authorized for use by a Sniper-trained, SWAT Operator only and may be deployed in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the rifle may include but are not limited to:</p> <ol style="list-style-type: none"> <li>1. Situations where the officer reasonably anticipates an armed encounter.</li> <li>2. When the officer is faced with a situation that may require accurate and effective fire at long range.</li> <li>3. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.</li> <li>4. When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.</li> <li>5. When an officer reasonably believes that a suspect may be wearing body armor.</li> <li>6. When authorized or requested by a supervisor.</li> </ol>	
<p><b>Legal/Procedural Rules Governing Use:</b> All applicable State, Federal and Local laws governing police use of force. Various Broadmoor Police Department Policies on Use of Force and Firearms.</p>	
<p><b>Training Required:</b> In addition to patrol rifle and standard SWAT Operator training, SWAT Snipers must successfully complete a CA POST certified sniper course as well as regular SWAT Sniper training and qualifications as required by law and policy. NO CURRENT MEMBERS ARE TRAINED AT THIS TIME.</p>	
<p><b>Other Notes:</b> The Broadmoor Police Department does not presently have a SWAT team or Sniper among its staff, so there are no Broadmoor Police personnel presently authorized to use this Military Equipment. This item is not currently possessed by the department.</p>	

<b>Equipment Type:</b> 40mm Less Lethal Launchers, Kinetic Energy Munitions and Crowd Control Chemical Irritant - CA Gov't Code §7070(c)(14)	
<b>Quantity Owned/Sought:</b> 1	<b>Lifespan:</b> Approximately 15 years
<b>Equipment Capabilities:</b> The 40mm Less Lethal Launcher is capable of firing 40mm Kinetic Energy Munitions, which are essentially rubber projectiles or chemical irritant.	
<b>Manufacturer Product Description:</b> 40MM launchers are manufactured using 4140 hardened steel, 6061-T6 mil-spec anodized aluminum. These launchers are light weight, versatile and used worldwide by police and corrections officers. The 40MM launcher family of products is available in single-shot, spring-advance multi, and pump-advance multi-versions.	
<b>Purpose/Authorized Uses:</b> The 40mm Less Lethal Launchers and Kinetic Energy Munitions are intended for use as a less lethal use of force option and used in crowd dispersal as a chemical irritant	
<b>Fiscal Impacts:</b> Ongoing costs for munitions will vary and maintenance is conducted by departmental staff.	
<b>Legal/Procedural Rules Governing Use:</b> All applicable State, Federal and Local laws governing police use of force. Various Broadmoor Police Department Policies on Use of Force and Crowd Control.	
<b>Training Required:</b> Officers must complete a department certified 40mm course as well as regular training and qualifications as required by law and policy.	
<b>Other Notes:</b> None.	

**Section Two: Qualifying Equipment known to be owned and/or utilized by law enforcement units with which the Broadmoor Police Department collaborates and/or participates for law enforcement purposes**

<b>Equipment Type:</b> Unmanned, remotely piloted, powered ground vehicles - CA Gov't Code §7070(c)(1)	
<b>Quantity Owned/Sought:</b> None (outside owned)	<b>Lifespan:</b> Approximately 15 years
<b>Equipment Capabilities:</b> Vehicles are capable of being remotely navigated to provide scene information and intelligence in the form of video and still images transmitted to first responders.	
<b>Manufacturer Product Description:</b> Unavailable.	
<b>Purpose/Authorized Uses:</b> To enhance the safety of potentially dangerous situations by providing first responders with the ability to capture video and still images of hazardous areas prior to, or in lieu of, sending in personnel.	
<b>Fiscal Impacts:</b> None. Equipment owned, maintained, and operated by another agency.	
<b>Legal/Procedural Rules Governing Use:</b> The use of unmanned, remotely piloted, powered ground vehicles potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to all applicable privacy laws and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure).	
<b>Training Required:</b> The North County Regional SWAT Team provides internal training for staff members prior to allowing them to pilot these vehicles.	
<b>Other Notes:</b> The Broadmoor Police Department participates in the North County Regional SWAT Team (NCR SWAT). This equipment is owned and operated by NCR SWAT through the San Mateo Police Department. While the Broadmoor Police Department does not own or operate this equipment, it could be used in San Bruno by NCR SWAT if they are deployed to an incident within city limits.	



<b>Equipment Type:</b> Mine Resistant Ambush Protected Vehicles (MRAP) - CA Gov't Code §7070(c)(2)	
<b>Quantity Owned/Sought:</b> None (outside owned)	<b>Lifespan:</b> Unknown
<b>Equipment Capabilities:</b> Capable of transporting personnel and equipment while providing them with armored protection from gunfire.	
<b>Manufacturer Product Description:</b> Unavailable.	
<b>Purpose/Authorized Uses:</b> To move personnel and/or resources in support of tactical operations in which there is reason to expect potential armed resistance requiring protection.	
<b>Fiscal Impacts:</b> None. Equipment owned, maintained, and operated by another agency.	
<b>Legal/Procedural Rules Governing Use:</b> The MRAP can be deployed any time tactical operators determine that there is a need to move personnel and/or resources into areas in which they have reason to expect potential armed resistance requiring its protection.	
<b>Training Required:</b> The North County Regional SWAT Team provides internal training for staff members prior to allowing them to drive MRAP vehicles.	
<b>Other Notes:</b> The Broadmoor Police Department does not participate in the North County Regional SWAT Team (NCR SWAT). This equipment is owned and operated by NCR SWAT through the San Mateo Police Department. While the Broadmoor Police Department does not own or operate this equipment, it could be used in Broadmoor by NCR SWAT if they are deployed to an incident within the district limits.	

<b>Equipment Type:</b> Wheeled vehicles that have a breaching apparatus attached - CA Gov't Code §7070(c)(3)	
<b>Quantity Owned/Sought:</b> None (outside owned)	<b>Lifespan:</b> Unknown.
<b>Equipment Capabilities:</b> Capable of breaching doors, gates, and other points of entry.	
<b>Manufacturer Product Description:</b> Unavailable.	
<b>Purpose/Authorized Uses:</b> Breaching doors, gates, and other points of entry.	
<b>Fiscal Impacts:</b> None. Equipment owned, maintained, and operated by another agency.	
<b>Legal/Procedural Rules Governing Use:</b> Breaching vehicles can be deployed any time tactical operators determine that it is necessary to complete a lawful breaching. For a breaching to be lawful, it will generally need to be supported by a search or arrest warrant, or exigent circumstances.	
<b>Training Required:</b> The North County Regional SWAT Team provides internal training for staff members prior to allowing them to drive breaching vehicles.	
<b>Other Notes:</b> The Broadmoor Police Department does not yet participate in the North County Regional SWAT Team (NCR SWAT). This equipment is owned and operated by NCR SWAT through the San Mateo Police Department. While the Broadmoor Police Department does not own or operate this equipment, it could be used in San Bruno by NCR SWAT if they are deployed to an incident within city limits.	

<b>Equipment Type:</b> Battering rams, slugs, and breaching apparatus that are explosive in nature - CA Gov't Code §7070(c)(7)	
<b>Quantity Owned/Sought:</b> None (outside owned)	<b>Lifespan:</b> Unknown.
<b>Equipment Capabilities:</b> Capable of breaching doors, gates, windows, and other points of entry.	
<b>Manufacturer Product Description:</b> Unavailable.	
<b>Purpose/Authorized Uses:</b> Breaching doors, gates, windows, and other points of entry.	
<b>Fiscal Impacts:</b> None. Equipment owned, maintained, and operated by another agency.	
<b>Legal/Procedural Rules Governing Use:</b> Breaching apparatus that are explosive in nature can be deployed any time tactical operators determine that it is necessary to complete a lawful breaching, and non-explosive breaching methods are not tactically practicable. For a breaching to be lawful, it will generally need to be supported by a search or arrest warrant, or exigent circumstances.	
<b>Training Required:</b> The North County Regional SWAT Team provides internal training for staff members prior to allowing them to use explosive breaching apparatus.	
<b>Other Notes:</b> The Broadmoor Police Department does not participate in the North County Regional SWAT Team (NCR SWAT). This equipment is owned and operated by NCR SWAT through the San Mateo Police Department. While the Broadmoor Police Department does not own or operate this equipment, it could be used in San Bruno by NCR SWAT if they are deployed to an incident within city limits.	

<b>Equipment Type:</b> Flashbang grenades, explosive breaching tools, tear gas and pepper balls - CA Gov't Code §7070(c)(12)	
<b>Quantity Owned/Sought:</b> None (outside owned)	<b>Lifespan:</b> Unknown.
<b>Equipment Capabilities:</b> Capable of breaching doors, gates, windows, and other points of entry, creating explosive distractions, and/or deploying tear gas or pepper chemical.	
<b>Manufacturer Product Description:</b> Unavailable.	
<b>Purpose/Authorized Uses:</b> breaching doors, gates, windows, and other points of entry, creating explosive distractions, and/or deploying tear gas or pepper chemicals.	
<b>Fiscal Impacts:</b> None. Equipment owned, maintained, and operated by another agency.	
<b>Legal/Procedural Rules Governing Use:</b> Breaching apparatus that are explosive in nature can be deployed any time tactical operators determine that it is necessary to complete a lawful breaching, and non-explosive breaching methods are not tactically practicable. For a breaching to be lawful, it will generally need to be supported by a search or arrest warrant, or exigent circumstances. Tear gas and pepper balls can only be deployed in accordance with all applicable State, Federal and Local laws governing police use of force, crowd control, etc.	
<b>Training Required:</b> The North County Regional SWAT Team provides internal training for staff members prior to allowing them to use any of these items.	
<b>Other Notes:</b> The Broadmoor Police Department participates in the North County Regional SWAT Team (NCR SWAT). This equipment is owned and operated by NCR SWAT through the San Mateo Police Department. While the Broadmoor Police Department does not own or operate this equipment, it could be used in San Bruno by NCR SWAT if they are deployed to an incident within city limits.	

<b>Equipment Type:</b> Long Range Acoustic Device (LRAD) - CA Gov't Code §7070(c)(13)	
<b>Quantity Owned/Sought:</b> None (outside owned).	<b>Lifespan:</b> Unknown.
<b>Equipment Capabilities:</b> LRAD systems are a type of Acoustic Hailing Device (AHD) used to send messages over long distances. LRAD systems produce much higher sound levels (volume) than normal loudspeakers or megaphones. Over shorter distances, LRAD signals are loud enough to cause pain in the ears of people in their path.	
<b>Manufacturer Product Description:</b> LRAD systems are a type of Acoustic Hailing Device (AHD) used to send messages over long distances. LRAD systems produce much higher sound levels (volume) than normal loudspeakers or megaphones. Over shorter distances, LRAD signals are loud enough to cause pain in the ears of people in their path.	
<b>Purpose/Authorized Uses:</b> Can be used to disperse unlawful crowds and/or to disrupt the activities of person(s) who represent an immediate threat to others.	
<b>Fiscal Impacts:</b> None. Equipment owned, maintained, and operated by another agency.	
<b>Legal/Procedural Rules Governing Use:</b> LRADs can only be deployed in accordance with all applicable State, Federal and Local laws governing police use of force, crowd control, etc.	
<b>Training Required:</b> The North County Regional SWAT Team provides internal training for staff members prior to allowing them to use any of these items.	
<b>Other Notes:</b> The Broadmoor Police Department participates in the North County Regional SWAT Team (NCR SWAT). This equipment is owned and operated by NCR SWAT through the San Mateo Police Department. While the Broadmoor Police Department does not own or operate this equipment, it could be used in San Bruno by NCR SWAT if they are deployed to an incident within city limits.	

Presented this twelfth day of July 2022: 2022-05

Ayes: BRIZUELA

HUTCHEHS

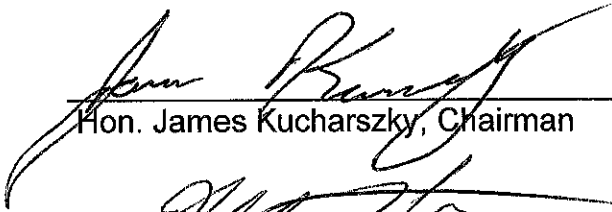
KUCHARSZKY

Noes:

~~Marie Brizuela~~ MB

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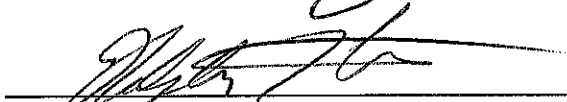
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Hon. James Kucharszky, Chairman



Hon. Marie Brizuela, Secretary



Hon. Ralph Hutchens, Treasurer



## BROADMOOR POLICE DEPARTMENT

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Mark D. Melville  
Chief of Police

### RESOLUTION 2022 - 04

JULY 12, 2022

Board of Police Commissioners  
Hon. James Kucharszky  
Hon. Ralph Hutchens  
Hon. Marie Brizuela

#### **RESOLUTION OF THE BROADMOOR POLICE PROTECTION DISTRICT CALLING FOR AN ELECTION TO BE HELD ON NOVEMBER 08, 2022 FOR THE ELECTION OF 2 MEMBERS OF THE GOVERNING BOARD**

Be it hereby resolved that the Board of Police Commissioners, Broadmoor Police Protection District, County of San Mateo instill the following resolution as prescribed by the appropriate code section and the authorization of the voters of the District:

**WHEREAS**, an election is hereby called to be held in and for the Broadmoor Police Protection District on November 08, 2022 to elect 2 members of the Governing Board for a full term of 4 years each, and 0 members of the Governing Board for a short term of 0 years each.

**WHEREAS**, pursuant to Elections Code 10002, the Governing Board of the Broadmoor police Protection District hereby requests the Board of Supervisors of the County of San Mateo to make available the services of the San Mateo County Chief Elections Officer & Assessor – County Clerk – Recorder (the “Chiefs Elections Officer”) as the County Elections Official for the purpose of rendering services in the conduct of the election to be held on November 8, 2022.

**WHEREAS**, the election to be held on November 8, 2022 will be conducted at-large.

Each governing board member shall reside in the jurisdiction and shall be elected by the registered voters of the entire jurisdiction.

Whereas, pursuant to Elections code 10509, not less than 125 days prior to the date of the election, the jurisdiction secretary shall deliver a notice to the Chief Elections Officer. The notice shall bear the secretary’s signature and the district seal and shall also contain both of the following:

- (a) The elective offices of the jurisdiction to be filled at the next general district election, specifying which offices, if any are for the balance of an unexpired term.
- (b) Whether the jurisdiction of the candidate is to pay for the publication of a candidate statement.

**WHEREAS**, pursuant to Elections code 10522, not less than 125 days prior to the date of the election, the Broadmoor Police Protection District shall deliver the Chief Elections Officer a map showing the boundaries of the jurisdiction and the boundaries of the divisions of the jurisdiction, if any, within the County and a statement indicating in which divisions a member of the Governing Board is to be elected and whether any elective officer is to be elected at large at the next general district election.

**WHEREAS**, the District Manager of the Broadmoor Police Protection District hereby is authorized and directed to enter an Elections Service Agreement with the chief Elections Officer regarding the election to be held on November 8, 2022 to outline the detailed service to be provided by both the Broadmoor Police Protection District and the Chief Elections Officer.

**WHEREAS**, the Chief Elections Officer shall send an itemized invoice to the Broadmoor Police Protection District for all services provided pursuant to the Elections Service Agreement after the election is conducted and all related costs are determined. The Broadmoor Police Protection District agrees to submit payment on the full amount of the invoice to the County of San Mateo within forty-five (45) days of the date of the invoice.

**BE IT FURTHER RESOLVED** that pursuant to Elections Code 13307, each candidate for the Governing Board to be voted in the election to be held on November 8, 2022 may prepare a candidate statement on the appropriate form provided by the Chief Elections Officer. Such statement shall be limited to 200 words. The prorated costs of printing, mailing, and translating the statements shall be paid by candidate.

*I hereby certify the foregoing Resolution was duly and regularly passed and adopted by the Governing Board of the Broadmoor Police Protection district at a regular meeting thereof held on the 12<sup>th</sup> day of July, 2022, by the following votes:*

Presented this twelfth day of July 2022:

2022-04

Ayes: BRIZUELA

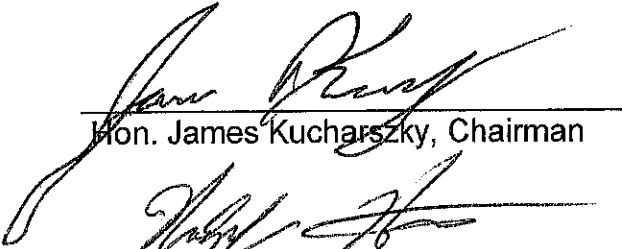
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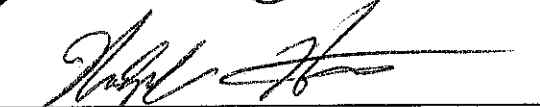
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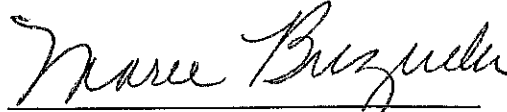
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HUTCHENS

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Hon. James Kucharszky, Chairman

  
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Hon. Ralph Hutchens, Treasurer

  
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Hon. Marie Brizuela, Secretary





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Chief of Police

Board of Police Commissioners  
**Hon. James Kucharszky**  
**Hon. Ralph Hutchens**  
**Hon. Marie Brizuela**

### **RESOLUTION No. 2022-03**

**JUNE 10, 2022**

### **Waiving Closed Session Confidentiality for Certain Commission Closed Sessions**

Whereas...

- The Board of Police Commissioners ("Commission") serves as the legislative body for the Broadmoor Police Protection District.
- Commission meetings are governed by the Brown Act (Gov. Code, §§ 54950 et. seq.).
- Government Code section 54957 authorizes the Commission to meet in closed session to consider public employee appointment, employment, performance evaluation, discipline, dismissal, and release.
- In Resolution No. 2007/2008-05, the Commission delegated authority to appoint and dismiss District employees to the Chief of Police.
- On April 19, 2021, former reserve police officer Syed Husain filed a Petition for Writ of Mandate in the San Mateo County Superior Court (Case No. 21-CIV-02244) alleging, among other things, the Commission violated the Brown Act by holding closed sessions that were not authorized by the Brown Act.
- The Commission and District deny the Petition's allegations.
- Government Code section 54963 prohibits any person from disclosing confidential information that has been acquired by being present in a Commission closed session unless the Commission authorizes disclosure of that confidential information.
- In order to defend the District against the Petition's allegations, the Commission has determined it is necessary to authorize disclosure of certain confidential information acquired by Commissioners and District employees in Commission closed sessions.

Now therefore be it resolved...

- Under Government Code section 54963, the Commission authorizes Commissioners and former and current District employees, to the extent necessary to defend the Commission and District in court proceedings regarding the Petition, to disclose the substance of Commission closed session meetings held between July 1, 2020 and July 13, 2021 and authorized by Government Code section 54957.
- Under Government Code section 54963, the Commission authorizes Commissioners and former and current District employees, to the extent necessary to defend the Commission and District in court proceedings regarding the Petition, to disclose the substance of Commission closed session meetings, if any, concerning the appointment, employment, performance evaluation, discipline, dismissal or release of Michael Connolly, David Parenti, Steven Landi, Syed Husain, and Victor Khedr.
- The disclosure authorized by this Resolution is expressly limited by the terms of this Resolution and shall not extend to disclosure of confidential information protected by the attorney-client privilege, attorney work product doctrine, or any basis not expressly waived by this Resolution.
- Except as expressly provided in this Resolution, this Resolution shall not be deemed to waive any objection that may be asserted by the District or Commission in court proceedings regarding the Petition.

Presented this Tenth (10<sup>th</sup>) day of June 2022:

Ayes:   - ALL -    
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Noes: \_\_\_\_\_  
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\_\_\_\_\_  
Hon. James Kucharszky, Chairman

  
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Hon. Marie Brizuela, Secretary

  
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## **RESOLUTION 2022 - 02**

### **AMMENDING CHAPTER 706 TO THE BROADMOOR POLICE DEPARTMENT POLICY MANUEL REGARDING POLICE ACQUISITION AND USE OF "MILITARY EQUIPMENT"**

**BE IT ORDAINED** by the Commission of the Broadmoor Police Protection District  
as follows:

#### **Definitions:**

- A. "Military Equipment" includes all of the following (Per CA Gov. Code §7070):
1. Unmanned, remotely piloted, powered aerial or ground vehicles.
  2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers however, police versions of standard consumer vehicles are specifically excluded from this subdivision.
  3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
  4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
  5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
  6. Weaponized aircraft, vessels, or vehicles of any kind.
  7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
  8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.

9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
  10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
  11. Any firearm or firearm accessory that is designed to launch explosive projectiles.
  12. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.
  13. Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).
  14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.
  15. Any other equipment as determined by a governing body or a state agency to require additional oversight.
  16. Notwithstanding paragraphs (1) through (15), "Military Equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.
- B. "District" means any department, agency, bureau, and/or subordinate division of the Broadmoor Police Protection District.
- C. "Police Department" means any division, section, bureau, employee, volunteer and/or contractor of the Broadmoor Police Protection District.
- D. "Commission" means the governing body that is the Broadmoor Police Protection District.
- E. "Military Equipment Use Policy" means a publicly released, written document that includes, at a minimum, all of the following:
1. A description of each type of Military Equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the Military Equipment.

2. The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of Military Equipment.
  3. The fiscal impact of each type of Military Equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
  4. The legal and procedural rules that govern each authorized use.
  5. The training, including any course required by the Commission on Peace Officer Standards and Training (POST), that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of Military Equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the Military Equipment use policy.
  6. The mechanisms to ensure compliance with the Military Equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.
  7. For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of Military Equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.
- F. "Exigent Circumstances" means a law enforcement agency's good faith belief that an emergency involving the danger of, or imminent threat of death or serious physical injury to any person is occurring, has occurred, or is about to occur.
- G. "State agency" means the law enforcement division of every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.
- H. "Type" means each item that shares the same manufacturer model number.

#### **Military Equipment Use Policy Requirement**

- A. The Broadmoor Police Department shall obtain approval of the Commission, by

Resolution adopting a Military Equipment Use Policy (MEUP) at a regular meeting of the Commission held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable, prior to engaging in any of the following:

1. Requesting Military Equipment made available pursuant to Section 2576a of Title 10 of the United States Code.
  2. Seeking funds for Military Equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
  3. Acquiring Military Equipment either permanently or temporarily, including by borrowing or leasing.
  4. Collaborating with another law enforcement agency in the deployment or other use of Military Equipment within the territorial jurisdiction of the Broadmoor Police Protection District.
  5. Using any new or existing Military Equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.
  6. Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, Military Equipment.
  7. Acquiring Military Equipment through any means not provided by this section.
- B. No later than May 1, 2022, if seeking to continue the use of any Military Equipment that was acquired prior to January 1, 2022, the Broadmoor Police Department shall commence a Commission approval process in accordance with this section. If the Commission does not approve the continuing use of Military Equipment, including by adoption pursuant to a Military Equipment Use Policy submitted pursuant to this code, within 180 days of submission of the proposed Military Equipment Use Policy to the Commission, the Broadmoor Police Department shall cease its use of the Military Equipment until it receives the approval of the Commission in accordance with this code.
- C. In seeking the approval of the Commission, the Broadmoor Police Department shall submit a proposed Military Equipment Use Policy to the Commission and make those documents available on the Police Department's Internet Website at least 30 days prior to any public hearing concerning the Military Equipment at issue.

- D. The governing body shall consider a proposed Military Equipment Use policy as an agenda item for an open session of a regular meeting and provide for public comment in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.
- E. The governing body shall only approve a Military Equipment Use Policy pursuant to this chapter if it determines all of the following:
1. The Military Equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
  2. The proposed Military Equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
  3. If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
  4. Prior Military Equipment use complied with the Military Equipment Use Policy that was in effect at the time, or if prior uses did not comply with the accompanying Military Equipment Use Policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.
- F. In order to facilitate public participation, any proposed or final Military Equipment Use Policy shall be made publicly available on the internet website of the Police Department for as long as the Military Equipment is available for use.
- G. The Commission shall review any resolution that it has adopted pursuant to this Chapter approving the funding, acquisition, or use of Military Equipment at least annually and vote on whether to renew the resolution at a regular meeting held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

#### **Use in Exigent Circumstances**

- A. Notwithstanding the provisions of this Chapter, the Police Department may acquire, borrow and/or use Military Equipment in Exigent Circumstances without following the requirements of this code.



- B. The Broadmoor Police Department participates with the San Mateo County Peninsula Special Response Teams as well as closely with local, county, state, and federal partners. In exigent circumstances and with the approval of the Chief of Police or designee, military equipment may be deployed from outside entities to promote the safety and security of our community members.

Military equipment used by other jurisdictions that are providing mutual aid to this jurisdiction shall comply with their respective military equipment use policies in rendering mutual aid."

- C. If the Police Department acquires, borrows, and/or uses Military Equipment in Exigent Circumstances, in accordance with this section, it must take all of the following actions:
1. Provide written notice of that acquisition or use to the Commission within 30 days following the commencement of such Exigent Circumstance, unless such information is confidential or privileged under local, state or federal law.
  2. If it is anticipated that the use will continue beyond the Exigent Circumstance, submit a proposed amended Military Equipment Use Policy to the Commission within 90 days following the borrowing, acquisition and/or use, and receive approval, as applicable, from the Commission.
  3. Include the Military Equipment in the Police Department's next annual Military Equipment Report.

### **Reports on the Use of Military Equipment**

- A. The Police Department shall submit to the Commission an annual Military Equipment Report for each type of Military Equipment approved by the Commission within one year of approval, and annually thereafter for as long as the Military Equipment is available for use.
- B. The Police Department shall also make each annual Military Equipment Report required by this section publicly available on its internet website for as long as the Military Equipment is available for use.
- C. The annual Military Equipment Report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of Military Equipment:
1. A summary of how the Military Equipment was used and the purpose of its use.



2. A summary of any complaints or concerns received concerning the Military Equipment.
  3. The results of any internal audits, any information about violations of the Military Equipment Use Policy, and any actions taken in response.
  4. The total annual cost for each type of Military Equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the Military Equipment in the calendar year following submission of the annual Military Equipment Report.
  5. The quantity possessed for each type of Military Equipment.
  6. If the law enforcement agency intends to acquire additional Military Equipment in the next year, the quantity sought for each type of Military Equipment.
- D. Within 30 days of submitting and publicly releasing an annual Military Equipment Report pursuant to this section, the Police Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual Military Equipment report and the law enforcement agency's funding, acquisition, or use of Military Equipment.
- E. The Commission shall determine, based on the annual Military Equipment Report submitted pursuant to this section, whether each type of Military Equipment identified in that report has complied with the standards for approval set forth in this code and the Military Equipment Use Policy. If the City Council determines that a type of Military Equipment identified in that annual Military Equipment Report has not complied with the standards for approval, the Commission shall either disapprove a renewal of the authorization for that type of Military Equipment or require modifications to the Military Equipment Use Policy in a manner that will resolve the lack of compliance.

### **Enforcement.**

#### **A. Remedies for Violations of this Ordinance**

1. This Chapter does not provide a private right of action upon any person or entity to seek injunctive relief against the District or any employee unless that person or entity has first provided written notice to the Chief of Police / District Manager regarding the specific alleged violations of this Chapter.

2. If a specific alleged violation is not remedied within 90 days of that written notice, a person or entity may seek injunctive relief in a court of competent jurisdiction.

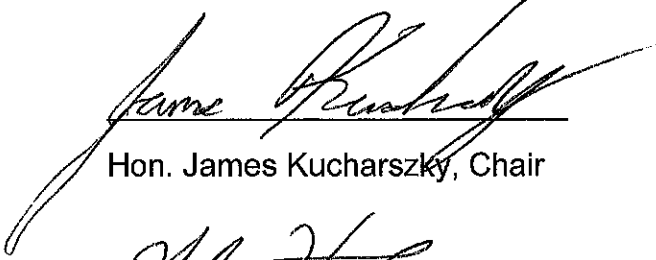
3. If the alleged violation is substantiated and subsequently cured, a notice shall be posted in a conspicuous manner on the District's website that describes, to the extent permissible by law, the corrective measures taken to address the violation.

**Severability**

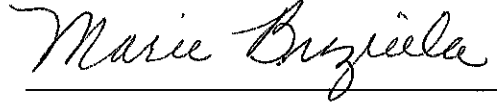
- A. If any section, subsection, sentence, clause, phrase, or word of this Chapter, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of this Chapter.
- B. The Commission hereby declares that it would have passed this Chapter and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this Chapter or application thereof would be subsequently declared invalid or unconstitutional.

**Resolution 2022-02**

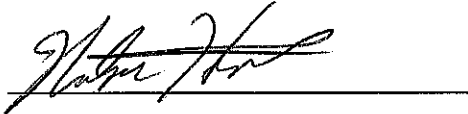
Approval:

A handwritten signature in cursive script, appearing to read "James Kucharszky", written over a horizontal line.

Hon. James Kucharszky, Chair

A handwritten signature in cursive script, appearing to read "Marie Brizuela", written over a horizontal line.

Hon. Marie Brizuela, Secretary

A handwritten signature in cursive script, appearing to read "Ralph Hutchens", written over a horizontal line.

Hon. Ralph Hutchens, Treasurer

Date: March 8, 2022



# BROADMOOR POLICE DEPARTMENT

388 Eighty Eighth Street  
Broadmoor, CA 94015-1717  
(650) 755-3838 • Fax (650) 755-9732



Mark D. Melville  
Chief of Police

2022-01  
March 8, 2022

Board of Police Commissioners  
Hon. James Kucharszky  
Hon. Ralph Hutchens  
Hon. Marie Brizuela

**Resolution to Establish Annual District Negotiation Schedule for all Employee Classifications / and the Confirming of Personnel Appointments for all Employee Classifications**

Be it hereby resolved that the Board of Police Commissioners, Broadmoor Police Protection District, County of San Mateo:

Whereas, a clearly drafted and implemented agreement sets out the obligations and expectations of the District and its employees in a way to minimize future disputes and ensure that all employees are treated equally and fairly;

Now therefore let it be resolved, that the District hereby agrees to negotiate with all employees on an annual basis;

The Commission appoints the Chief of Police / District Manager as it's negotiator for negotiating the terms of employment for all subordinate employees;

All employees represented by a recognized employee organization will negotiate through that organization's duly-appointed representatives with the Chief of Police / District Manager;

All unrepresented subordinate employees will negotiate directly with the Chief of Police / District Manager;

The Chief of Police / District Manager will negotiate directly with the Commission subject to the terms of any employment agreement between the District and the Chief of Police / District Manager;

Following said negotiations with subordinate employees, the Chief of Police / District Manager will present to the Commission a draft Memorandum of Understanding (MOU), of which said draft can be approved or returned for further negotiations.

Once approved by the Commission, the MOU with all employee classes will last for a period of one year, generally the fiscal year beginning July 1<sup>st</sup> and expiring on June 30<sup>th</sup> of the succeeding year, and there cannot be any changes to the MOU without prior approval of the Commission;

To promote transparency in compensation, the Commission directs that the approved salary schedule for all employees be attached as an addendum to the Memorandum of Understanding;

To promote transparency in hiring, amongst the Commission, the agency itself, and most importantly the residents of the District, the Chief will forward to the Commission for confirmation all employee(s) or volunteer(s) by name and classification who the Chief has employed or approved, as appropriate, to serve the District;

This Resolution is declarative of existing District practices, and nothing set forth in this Resolution shall be interpreted to amend any existing agreement between the District and any other party.

Presented this eight (8) day of March 2022:

Ayes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Noes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

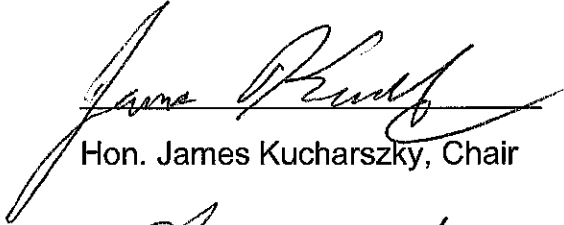
\_\_\_\_\_  
Hon. James Kucharszky, Chairman

\_\_\_\_\_  
Hon. Marie Brizuela, Secretary

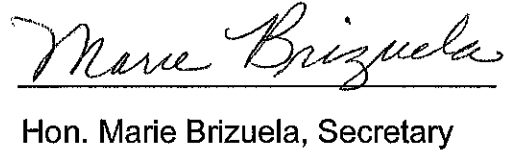
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Hon. Ralph Hutchens, Treasurer

**Resolution 2022-01**

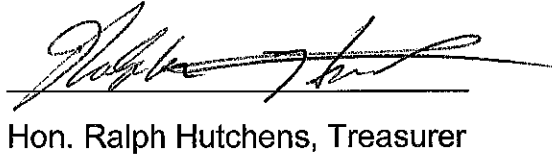
Approval:



Hon. James Kucharszky, Chair



Hon. Marie Brizuela, Secretary



Hon. Ralph Hutchens, Treasurer

Date: March 8, 2022